

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

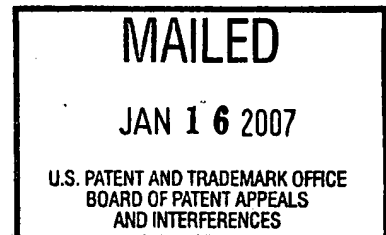
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*Ex parte* FRANK TUCKER SMITH and TIMOTHY C. OSTWALD

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Appeal 2006-2625  
Application 10/033,879  
Technology Center 3600

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Decided: January 16, 2007

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Before JENNIFER D. BAHR, STUART S. LEVY and LINDA E. HORNER,  
*Administrative Patent Judges.*  
HORNER, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 USC § 134(a) from the Examiner's final rejection of claims 1-6. Claims 7-21 have been withdrawn from consideration.

We REVERSE.

## BACKGROUND

The Appellants' invention relates to safety measures for media storage libraries (Specification 1). Claim 1, reproduced below, is representative of the subject matter on appeal. A copy of all of the claims on appeal can be found in the appendix to the Appellants' Brief.

1. A safety system for a media library comprising a plurality of media storage cells and at least one media picker robot that moves along the media storage cells, wherein the library is contained within an enclosure having at least one access means, the safety system comprising:

an access sensor that detects if the access means in the enclosure is open; and

a control component that operates the robot in the media library in one of the following modes:

if the access means is closed, a normal mode, wherein the picker robot automatically moves at a first specified speed; and

if the access means is open, a safe mode, wherein the picker robot automatically moves at a second specified speed that is a non-zero speed and is slower than the first speed of the normal mode.

The Examiner relies upon the following as evidence of unpatentability:

Faiman	US 2002/0009512 A1	Jan. 24, 2002
Priestley	US 6,405,114 B1	Jun. 11, 2002

The following rejection is before us for review.

1. Claims 1-6 stand rejected under 35 USC § 103(a) as unpatentable over Appellants' admitted prior art of a media library (AAPA) in view of Faiman and Priestley.

Rather than reiterate in detail the conflicting viewpoints advanced by the Examiner and the Appellants regarding this appeal, we make reference to the Examiner's Answer (mailed March 20, 2006) for the Examiner's complete reasoning in support of the rejection and to the Appellants' Brief (filed January 12, 2005) and Reply Brief (filed July 7, 2005) for the Appellants' arguments.

#### OPINION

In reaching our decision in this appeal, we have carefully considered the Appellants' specification and claims, the applied prior art, and the respective positions articulated by the Appellants and the Examiner. As a consequence of our review, we make the determinations that follow. It is our view that, after consideration of the record before us, the Examiner has failed to present a prima facie case of obviousness of the claimed invention.

In the rejection of independent claim 1, the Examiner determined that Faiman teaches "a control device" that operates a device in "a first mode where the door is closed and the device moves at a first specified speed" and "a second mode where the door is open and the device moves at a second specified speed that is slower than said first specified speed" (Answer 4). We disagree with the Examiner's reading of Faiman, and we further note that the recitation provided by

the Examiner of the teaching of Faiman does not correspond to what is recited in claim 1. With regard to the scope and content of Faiman, we find, as argued by the Appellants, that, in Faiman, the speed at which the device operates is dependent on the mode setting (i.e., run mode or set-up mode) (Brief 11). Faiman does not teach or suggest that the speed of the device is dependent on the interlock, which indicates whether the safety cover is open or closed (Faiman, p. 3, ¶¶ 0021-0022).

With regard to the scope of claim 1, we note that the claim requires the control component to operate the robot such that “the picker robot automatically moves at a first specified speed” when the access means is closed. The Examiner found that the device of Faiman operates at more than one speed (“higher range and slow”) when the safety cover is closed (Answer 5). In particular, when the device of Faiman is in the “run mode” and the safety cover is closed, the device operates at a first range of speeds set by the parameter control buttons (50) (Faiman, p. 3, ¶ 0021). When the device of Faiman is in the “set up mode” and the safety cover is closed, the device is limited so that it operates at a speed slower than in run mode; however, it operates only when the user depresses the run control button (52) (Faiman, p. 3, ¶ 0022). As such, by the Examiner’s own admission, Faiman does not teach or suggest “automatically” moving at “a first specified speed” when the access door is closed.

Claim 1 also requires the control component to operate the robot such that “the picker robot automatically moves at a second specified speed that is a non-zero speed and is slower than the first speed.” When the device of Faiman is in the “run mode” and the safety cover is open, the device will not operate at all, i.e., it is

at a zero speed (Faiman, p. 3, ¶ 0021). When the device of Faiman is in the “set up mode” and the safety cover is open, the device is limited so that it operates at a speed slower than in run mode; however, it operates only when the user depresses the run control button (52) (Faiman, p. 3, ¶ 0022). As such, Faiman does not teach “automatically” moving the device “at a second specified speed” when the door is open. Rather, depending on the mode, Faiman either does not allow the device to move at all, or it moves the device at a slower speed only when the user depresses a run control button.

The Examiner also determined that Priestley discloses a device that uses an interlock system to determine if a boom is in a lowered position and limits the operating speed of the boom based on the position of the boom (Answer 4). In particular, the examiner found that Priestley teaches that if the boom is not in the lowered position, the device limits the speed of the boom to a speed that is non-zero and slower than the speed of the boom when it is in the lowered position (Answer 4). While we agree that Priestley teaches “limiting” the speed of the boom based on the interlock (the device disables the high speed drive if the boom is not cradled) (Priestley, col. 8, ll. 48-53 and col. 16, ll. 63-65), this is not what claim 1 recites. Claim 1 requires that when the access means is open, the control component operates the robot such that the robot “automatically moves at a second specified speed.” We agree with the Appellants, as argued in page 12 of their Brief, that Priestley does not teach controlling the boom to automatically move at a slower speed. Rather, when the boom in Priestley is not in its lowered position, the user is limited to operation of the boom in a low range speed mode; however the

actual speed at which the boom moves is manually controlled either by using the drive control joystick (224) on the platform control panel (300) to proportionally control the drive speed (Priestley, col. 8, ll. 44-48) or by activating switches (442, 446) on the keypad (252) of the ground control panel (400) (Priestley, col. 11, ll. 44-65). Thus, when the device of Priestley senses that the boom is in an extended position, the device does not automatically move the boom at a slower speed. Rather, as acknowledged by the Examiner, the device of Priestley merely places an upper limit on the speed at which the boom can be moved.

Accordingly, we find that Faiman and Priestley, when combined with the AAPA of a media library, lack the teaching or suggestion of a control component that automatically operates robots of the media storage library at a first specified speed when an access door is closed, and automatically reduces the speed of the robots when the access door is open. As such, we find that one having ordinary skill in the art at the time the invention was made, possessed with the teachings of the prior art, and facing the problem faced by the inventor, would not have been led to the claimed invention. Accordingly, we do not sustain the Examiner's rejection of independent claim 1, or dependent claims 2-6, under 35 USC § 103(a) as being unpatentable over the AAPA in view of Faiman and Priestley.

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### CONCLUSION

To summarize, the decision of the Examiner to reject claims 1-6 is reversed.

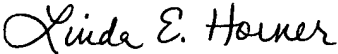
REVERSED

  
JENNIFER D. BAHR

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